



BOARD OF EXAMINERS FOR SOCIAL WORKERS
4600 Kietzke Lane. C121, Reno, Nevada 89502 775-688-2555

MINUTES OF BOARD MEETING
June 10, 2005

The meeting of the Board of Examiners for Social Workers was called to order by President Amy Ellwood at 9:15 a.m. at the Community College of Southern Nevada, West Charleston Campus, 6375 W. Charleston Blvd, Building 118, Las Vegas, Nevada. There was a simultaneous videoconference conducted at the University of Nevada, Reno, Getchell Library Room 9, 1664 N. Virginia Street, Reno, Nevada which was also available to any public member who wished to observe or participate. President Ellwood noted that the meeting had been noticed properly and that the five members present constituted a quorum for the purposes of the Board meeting.

Members Present

Amy Ellwood, LCSW President in Las Vegas
Gil Johnstone, LASW Vice-President in Reno
Ann Coleman, LASW, Secretary-Treasurer in Las Vegas
Randy Reinoso, LSW Member in Las Vegas
Anne Rhu, Public Member in Las Vegas

Staff Present

Rob Bony, Deputy Attorney General in Reno
Rosalind Tuana, Executive Director in Reno

Others Present

Tara Goodsell, Applicant in Reno
Erin McGraw, LSW in Reno
Brian Morris, Esquire in Reno
Alicia Smalley, LSW, NASW

Licensure, Intern, and Application Issues

Tara Goodsell, Application Social Worker License Appearance 9:15

Ms. Goodsell appeared before the Board because she answered "yes" to question 2 on the application. At the request of President Ellwood, the Executive Director briefly described the reasons Ms. Goodsell was appearing. She noted that Ms. Goodsell had been very cooperative and had submitted all the required documentation in a timely manner. Ms. Goodsell gave a brief presentation to the Board and answered various questions from the Board members. Ms. Goodsell was commended by the Board for taking responsibility for her actions and achieving some major goals in her life. A motion was made by Anne Rhu and seconded by Ann Coleman to approve a provisional license for Tara Goodsell and to grant her approval to take the examination. Upon a satisfactory score on the examination, Ms. Goodsell may be granted a permanent license. Motion passed unanimously.

Consent Agenda

A. Licensure/Internship Applications

1. Ratification of Approved License Applications (Attachment 1)
2. Ratification of Denied License Applications (Attachment 1)
3. Ratification of Approval of Internship Applications (Attachment 1)
4. Ratification of Denied Internship Applications (Attachment 1)

B. Continuing Education

1. Ratification of Approved Continuing Education Programs
2. Ratification of Denied Continuing Education Programs

ACTION: A motion was made by Anne Rhu and seconded by Ann Coleman to approve the consent agenda as presented. Motion PASSED unanimously.

Legislative and Regulation Issues

Discussion and Update on bills of interest to the Board including but not limited to SB163, SB276, SB421

Deputy Attorney Rob Bony reviewed some of the bills passed in this session that will affect the Board. He indicated that Supervising Deputy Attorney Keith Marcher's bill was amended and passed. He felt that this bill was a very good bill because it established administrative guidelines specifically for most of the occupational boards and clarifies some issues for this Board that was not addressed in NRS 641B or the Administrative Code. Additionally, this bill appears provide better protection to the Board members, staff, consultants and investigators. Three bills related to the open meeting law were also passed. SB 83 affects personnel sessions on agendas; SB 421 requires the Board to tape their meetings; and SB 267 grants privilege to members of the Board for any statement which was made by a member in the course of a public meeting and to any witness who is testifying in a public session unless they knowingly misrepresent the facts. SB163, a housekeeping bill for occupational boards introduced by Senator Carlton did not pass. AB 182, the bill which would have expanded the scope of practice for Alcohol and Drug counselors did not make it out of committee. Mr. Bony indicated that he will be checking with the open meeting law attorney in his office to see if any other bills may affect the Board.

The Executive Director noted that the only other bills that passed related to the Board employees. One of those bills added an additional step to the compensation schedules and the other granted a 2% raise in July 2005 and a 4% raise in July 2006.

Discussion of current regulation including specific sections that the Board may consider for revision.

After some discussion, a motion was made by Gil Johnstone and second by Anne Rhu to do an in-depth review of the continuing education regulations. Additionally, a review of the regulations regarding the standard of practice and practice before the Board will be reviewed for possible revisions. Motion passed unanimously.

Set workshop dates for public input on proposed new regulations

A motion was made by Gil Johnstone and seconded by Anne Rhu to set a date for the workshop on September 7, 2005. Motion passed unanimously. The workshop will be held at 9:00 a.m. in the south and noon in the North at locations to be determined.

Disciplinary Matters

Consideration and Discussion, and Action of Consent Decrees

Adrianne J. Coronella, LCSW 2755-C Case G05-05 Mr. Bony, Counsel for the Board, indicated that Ms. Coronella through her attorney Aaron Grisby has asked that this item be heard at a later meeting. Therefore he requested that this item be tabled. .

Recommendation to Dismiss Cases G02-29; G03-06; G04-15; G04-17; G04-18; G04-19; G05-14; G05-07

Recommendation to dismiss Case G02-29 The Executive Director recommended the Board dismiss case G02-29 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Annette Smith, LASW, consulted on this file and concurred with the recommendation. A motion was made by Anne Coleman and seconded by Anne Rhu to dismiss case G02-29 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G03-06 The Executive Director recommended the Board dismiss case G03-06 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Anne Rhu and seconded by Ann

Coleman to dismiss case G03-06 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G04-15 The Executive Director requested that this item be pulled from the agenda..

Recommendation to dismiss Case G04-17 The Executive Director recommended the Board dismiss cases G04-17 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Gil Johnstone and seconded by Anne Rhu to dismiss case G04-17 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G04-18 and G04-19 The Executive Director recommended the Board dismiss cases G04-18 and G04-19 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Two files were set up from the original accusation because two social workers were involved Ray Kendall consulted on these files and concurred with the recommendation. A motion was made by Gil Johnstone and seconded by Randy Reinoso to dismiss cases G04-18 and G04-19 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G05-04 The Executive Director recommended the Board dismiss case G05-04 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Ann Coleman and seconded by Ann Rhu to dismiss case G05-04 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Recommendation to dismiss Case G05-07 The Executive Director recommended the Board dismiss case G05-07 because there was insufficient evidence of violations of NRS 641B or NAC 641B. Ray Kendall consulted on this file and concurred with the recommendation. A motion was made by Gil Johnstone and seconded by Anne Rhu Coleman to dismiss case G05-07 because there was insufficient evidence of a violation of NRS 641B or NAC 641B. Motion passed unanimously.

Disciplinary Report

The Executive Director reviewed the disciplinary report with the Board. She noted that there are only 17 cases on left on list after the actions taken today on the disciplinary cases have been removed.

Association of Social Work Boards (ASWB) and National Association of Social Workers (NASW)

Review of 2004 ASWB Examination Pass Rates

The Executive Director reported that ASWB had provided the Board with the 2004 Examination Pass Rates. She noted that Nevada consistently has been above the national average for all levels of the examination.

Draft of ASWB and NASW joint resolution on telepractice.

The Executive Director indicated that ASWB has sent a draft of the resolution of the proposed Standards for Technology and Social Work Practice and has requested input from the Board or the individual Board members. Members were asked to send their comments directly to ASWB.

Review, amend, approve, deny or table letter to Attorney General's Office commending Deputy Attorney General Rob Bony on his excellent work with the Board

President Ellwood noted that at the last Board meeting, the Board decided to send a letter to the Office of the Attorney General commending Rob Bony's excellent performance for the Board. Since Mr. Bony has been assigned as the Board counsel, the disciplinary cases have dramatically gone down. Additionally, he has been consistently available to the Board members for consultation. President Ellwood presented a draft of a letter to be sent. After discussion, a motion was made by Ann Coleman and seconded by Anne Rhu to send the letter as presented to the Attorney General's office commending Rob Bony, Deputy Attorney General. Motion passed unanimously. Mr. Bony thanked the Board but indicated that his work had been made easier by Executive Director and the professionalism of the Board itself.

Board Operations

Approval of Minutes: January 14, 2005 and March 18, 2005

A motion was made by Randy Reinoso and seconded by Ann Coleman to approve the Board meeting minutes for the January 14, 2005 as presented. Motion passed unanimously.

A motion was made by Anne Coleman and seconded by Gil Johnstone to approve the Board meeting minutes for March 18, 2005. Motion passed unanimously.

Financial Report

Approval of YTD Financial Report

A motion was made by Anne Coleman and seconded by Gil Johnstone to Approve the YTD Financial Report as presented. Motion passed unanimously.

Disciplinary Matters - Continued

Consideration and Discussion, and Action of Consent Decrees

Erin McGraw, LSW 4048-S Cases G04-04 Rob Bony, Counsel to the Board in this matter noted that Ms McGraw was present with Brian Morris, Esquire. Mr. Bony noted that Mr. Morris was sitting in for Ms. McGraw regular counsel, Jeff Dickerson. Mr. Bony presented the consent decree to the Board. Ms. McGraw answered various questions from the Board. Mr. Morris affirmed that they were comfortable with the consent decree as written. Gil Johnstone indicated that she knew the respondent and may know something of this case. She was recused from hearing the matter and left the room for the period of discussion and vote of this matter.

The decree stipulated to the following violations:

1. A violation of NRS 641B.205(13) which states that a licensee shall not solicit or enter into a dual relationship with a client, intern or person who is supervised by the licensee if it is foreseeable that the relationship would harm or exploit the client, intern or person who is supervised within 2 years after the termination of the professional relationship, internship or period of supervision.
2. A violation of NRS 641B.200(6) which states that a licensee is responsible for setting and maintaining professional boundaries with clients, interns, and persons supervised by the licensee.
3. The foregoing facts constitute grounds for initiating disciplinary action pursuant to NRS 641B.400.

The stipulated adjudication is as follows:

1. The Board will suspend respondent's license to practice social work for two (2) years. This suspension will be stayed and respondent will be placed on probation for a two year period. During the probation period respondent agrees to comply with the following conditions:
 - A. McGraw shall maintain her license number LSW 4048-S during the probationary period.
 - B. Within forty five days of the approval and execution of this Consent Decree, respondent shall pay the Board one thousand dollars (\$1000.00) in legal and investigative fees.
 - C. The period of probation shall commence upon execution of this Consent Decree by the presiding office of the Board. After the probation has been in effect for a minimum two-year period, respondent may apply for relief from probation to the Board. Upon application for relief from

probation, respondent agrees to meet with the President of the Board or his/her designee, the Executive Director and Board counsel and prove compliance with the Consent Decree. During the term of probation, respondent agrees to comply with the following terms and conditions:

1. Must obey all federal, state, and local laws, insurance company policies or contract and orders of the Board, which are not inconsistent with this Consent Decree, pertaining to the practice of social work in this state. Any and all violations must be reported by respondent in writing within 72 hours. .
 2. Must notify Board within 72 hours of any change in social work employment, including self employment, consulting or volunteering. Any notification of termination shall contain a full explanation of the circumstance surrounding it. .
 3. Must notify her current employer and any future employer of this Consent Decree while the Consent Decree is in force.
 4. Shall meet monthly with a Board approved licensed clinical social worker who will consult with McGraw. During this period of consultation, respondent will write, and the consultant will sign, quarterly reports that must be submitted to the Board regarding respondents counseling sessions. The consultant shall be independent, with no prior business, professional or personal relationship with respondent. Issues to be discussed in the monthly meeting and addressed in the report to the Board must include boundaries and dual relationships; professional responsibilities to clients and staff; and use and misuse of power in client and staff relationships.
 5. Must attend at least six hours of continuing education preapproved by the Board on the issues of boundaries, dual relationships, and ethics and upon completion, submit a report to the Board regarding how the education impacted respondent.
 6. Within 45 days of the effective date of the consent decree, must complete a psychological evaluation showing fitness to practice social work. The forensic psychologist must be approved by the Board. A report from the psychologist showing the respondent is fit to practice social work must be filed by with the Board within 90 days of the effective date of this Consent Decree.
 7. While Consent Decree is in effect, shall not enter into a client's residence or home unless accompanied by another licensed social worker or other professional satisfactory to the Board.
 8. Shall only receive credit toward service of her probationary period only while employed as a licensed Social Worker in the State of Nevada.
- D. Respondent agrees that she will be financially responsible for all requirements of the consent decree, including the cost of the Board approved consultant and any reasonable financial assessments by the Board for the cost of monitoring her compliance or carrying out the provisions of this Consent Decree.

After further discussion on the consent decree, a motion was made by Anne Rhu and seconded by Ann Coleman to accept the consent decree as presented in the matter of Erin McGraw, LSW, 4048-S, Case G04-04.. Motion passed unanimously. Gil Johnstone was not present for the vote

Policy Issues

Review, amend, approve, deny or table the letter to be used in response to requests by licensees to verify in writing ability to do alcohol drug and gambling practice

The Executive Director requested that this item be withdrawn from the agenda.

Review, amend, approve, deny or table the request of a licensee to establish a policy confirming the ability of social workers to take physician order's within the scope of a social worker's practice

After a brief discussion, the Board determined it would table this matter indefinitely since it appeared to address one specialty only and appeared to be an employer policy issue. The Board indicated that the minutes of the January meeting might be helpful to the licensee.

Review and Discussion of current continuing education policy including review of other state regulations

President Ellwood indicated that this item had been placed on the agenda because she and the Executive Director had been reviewing the continuing education requirements from various states in preparation for the review of the regulations. Many of the states have good regulations in place. It appears that the Board may have some ability to make some changes under the current regulations. President Ellwood recommended that the Board have a subcommittee to review continuing education policy in place and also to make possible recommendations for the regulation changes. After further discussion, the Board determined that a subcommittee should be set up to work on this issue. Gil Johnstone and Randy Reinoso volunteered to be on the committee. President Ellwood indicated that she would assist also.

Presiding Officer's Report

President Ellwood indicated that the Board had received confirmation that Randy Reinoso and Anne Rhu had been reappointed to the Board. She congratulated both members. She also thanked the Board members for all their hard work.

Deputy Attorney General Report

Rob Bony indicated that he really enjoyed working with this Board because of their professionalism. He noted that he sits for many Boards and has seen many meetings that were cancelled because of lack of commitment on the Board members part.

Board Operations Continued.

Executive Director's Report

Update on Fingerprinting

The Executive Director reported that the Board has received the Federal account number that would allow the Board to start fingerprinting. Fingerprinting of applicants will begin in July. The applications are being revised to reflect the change. A notice about the fingerprinting requirement has been placed on the webpage.

Matters related to the office management

The Executive Director indicated that a new disciplinary table had been set up. From the information in this data bank, the staff will begin to compile the information on previous cases to allow the Board to continue to be consistent in their hearings. New forms are being added to the web page. President Ellwood and the Executive Director have been working on reviewing and revising the internship forms.

Personnel Matters

The Executive Director reported that the Program Assistant I resigned effective March 31, 2005. The Program Assistant III has moved from a ¾ position to a full time position. Since the end of the fiscal year is nearing a decision was made advertise for a part time position with no benefits until the work load can be assessed to determine whether the position should be a part time position or a full time position.

Board Elections [NRS 641B.120(2)]

President Ellwood suggested that the elections be delayed until December. At that time she would recommend that a new President be elected. She noted that her term is up in June of 2006. By electing a new slate of officers in December, she would be available to assist or mentor the new President. After further discussion, a motion was made by Anne Rhu and seconded by Anne Coleman to defer the elections until December. Motion passed.

Public Comment

There was no additional public comment.

Adjournment

ACTION: A motion was made by Ann Rhu and seconded by Anne Coleman to adjourn the meeting at 11.32 a.m.
Motion passed unanimously.

Respectfully prepared by

Rosalind Tuana
Executive Director